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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,552	01/30/2004	Dieter Weiss	089498-000000US	5866

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EXAMINER

COLON SANTANA, EDUARDO

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

3/

<b>Office Action Summary</b>	Application No. 10/769,552	Applicant(s) WEISS, DIETER	
	Examiner Eduardo Colon Santana	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 8 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .                  |

#### **DETAILED ACTION**

##### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

##### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 1/30/2004 and 9/13/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

##### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

##### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.

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- (1) Field of the Invention.
- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities: The specification does not include section heading.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

' The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Koch U.S. Patent No. 6,178,608.

Referring to claim 1, Koch discloses a rotary transfer machine (see all figures and respective portions to the specification). Koch further discloses in figures 1-8, a rotary index table having a stationary frame (32) on a support base unit (46) and a plate (not shown) with a carriage ring (34) rotatably supported and drivable relative to the base by means of a drive, which is formed by a plurality of individual drive elements (146) mounted on assemblies (152) arranged in the circumferential region of the carriage ring (34).

As to claim 2, Koch discloses a carriage ring (34) resembling a plate (not shown) in which the individual drive elements (146) mounted on assemblies (152) are uniformly distributed (see figure 2-4).

Referring to claim 3, each drive elements (146) mounted on assemblies (152) are diametrically opposite one another.

As to claims 9-11, Koch discloses a positional detector system (148) that has a scale arrange in a circle and an electronic detector

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(162) (i.e. encoder) in sensory communication with the scale, which has markings that are detected by the electronic detector (162) by means well known in the art (i.e. optically, magnetically or inductively) (see Col. 3, lines 41-57, Col. 8, line 66 to Col. 9, line 22).

Referring to claim 12, Koch discloses a brake selectively operated by an operator for stopping the plate (not shown) with carriage ring (34) (see Col. 8, lines 54-58).

As to claim 14, Koch depicts from figures 1-5, a rotary index table having a stationary frame (32) on a support base unit (46), each made in a ring shape being aligned with and a plate (not shown) with a carriage ring (34) having a central opening.

Referring to claim 15, the rotary table as describe by Koch, include upper and lower bearing between the support base unit and the plate (not shown) with a carriage ring (34) (see Col. 2, lines 50-63).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch in view of Heidelberg U.S. Patent No. 4,491,769.

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Referring to claims 4 and 5, Koch address all the limitations of claim 1 above, but does not explicitly describe that the plate (not shown) with a carriage ring (34) is provided along its total circumference with individual permanent magnets and in addition a plurality of electromagnets lying opposite the permanent magnets. On the other hand, one ordinary skill would recognize that a rotary machine or table does indeed comprise a drive element (motor), which would include a stator and rotor having permanent magnets and electromagnets. However, Heidelberg is provided to show the well-known in the art configuration of having a rotary electric machine in which a plurality of individual permanent magnets (12) lie opposite to a plurality of electromagnets (4). It would have been obvious to one ordinary skill in the art at the time of the invention to use the structure taught by Heidelberg within the teaching of Koch for the purpose/advantages of 1) Permitting optimum utilization of the volume (space), 2) Reduce the angular ranges of rotation, which do not contribute to the flux switching, 3) The maintenance of the machine is rendered easier as it is possible to replace individual inexpensive switching means.

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch in view of Beaman et al. U.S. Patent No. 4,866,630.

As to claims 6 and 7, Koch addresses the limitation of claim 1 above, but does not explicitly describe having an air cooling system provided for each half of the individual drive elements arranged in

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the circumferential region. However, Beaman et al. discloses a programmable band saw and method of sawing having an index table including motors (354, 356) and providing a fan motor (396) as an air cooling system. (See Col. 12, line 60 to Col. 13, line 8 and figures 7 and 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to include an air cooling system characterize by fan motors as taught by Beaman et al. within the teaching of a rotary index machine or table for the purpose/advantages that by cooling the motors (drive elements) the efficiency of the system improves. In addition in a rotary indexing table, in which the drive elements are distributed at the circumference of a plate or base, it would be obvious that both half of the circumference are being cool, since no matter where the cooling system is located, the flow of air will circulated in both direction within the circumference.

#### ***Allowable Subject Matter***

8. Claims 8 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record in form 892 and not specifically relied upon is considered pertinent to applicant's disclosure to further show the state of the art.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon Santana whose telephone number is (571) 272-2060. The examiner can normally be reached on Monday thru Thursday 6:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eduardo Colon Santana  
Examiner  
Art Unit 2837

ECS  
May 19, 2006

  
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